

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:02-00226-02

DANETTE NICOLE KIDD

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On March 21, 2012, the United States of America appeared by R. Gregory McVey, Assistant United States Attorney, and the defendant, Danette Nicole Kidd, appeared in person and by her counsel, George H. Lancaster, Jr., Assistant Federal Public Defender, for a hearing on the petition on supervised release submitted by United States Probation Officer Troy A. Lanham, the defendant having commenced a four-year term of supervised release in this action on July 3, 2008, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on August 29, 2003.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) that the defendant, on or about December 12, 2011, possessed marijuana in violation of federal and state law inasmuch as she sold and distributed approximately one pound of marijuana for \$1,700 and in the course of doing so associated with persons engaged in the sale of marijuana as evidenced by her stipulation that the government possesses evidence to prove the offense by a preponderance of the evidence; (2) that the defendant used and possessed marijuana as evidenced by a positive urine specimen submitted by her on February 7, 2012, as admitted by her on the record of the hearing; (3) that the defendant failed to notify the probation officer within 72 hours that she was questioned by law enforcement on or about December 12, 2011, in connection with the sale of marijuana as set forth above, as admitted by her on the record of the hearing; and (4) that the defendant failed to appear for scheduled urinalysis as directed on February 16 2012, as admitted by her on the record of the hearing; all as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

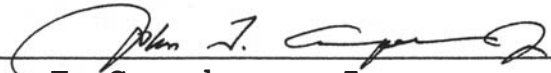
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, on the basis of the original offense, the intervening conduct of the defendant and after considering the factors set forth in 18 U.S.C. § 3553(a), that the defendant is in need of correctional treatment which can most effectively be provided if she is confined, it is accordingly ORDERED that the defendant be, and she hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of TWELVE MONTHS AND ONE DAY, to be followed by a term of four (4) years less one day of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state

or local crime and the special condition that she participate in a drug abuse counseling and treatment program as directed by the probation officer.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: March 23, 2012



John T. Copenhaver, Jr.
United States District Judge